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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/084,799	02/26/2002	Arend Jan Adriaanse	C7602(V)	7872

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UNILEVER
PATENT DEPARTMENT
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EXAMINER	
DELCOTTO, GREGORY R	
ART UNIT	PAPER NUMBER
1751	

DATE MAILED: 09/21/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)
	10/084,799	ADRIAANSE ET AL.
	Examiner	Art Unit
	Gregory R. Del Cotto	1751

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *05 August 2004*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-8,10-12,17-33,35,36 and 38* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-8,10-12,17-33,35,36 and 38* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☒ All b)☐ Some * c)☐ None of:

1.☒ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

1. Claims 1-8, 10-12, 17-33, 35, 36, and 38 are pending. Note that, throughout the claims, Applicant has used the terminology "preferably...". The Examiner has given the claims their broadest interpretation and not limited the scope of the claims to the "preferably..." clause; this is merely exemplary. It is suggested that Applicant delete the "preferably..." clause(s) from the claims.

Priority

Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Objections/Rejections Withdrawn

The following objections/rejections as set forth in the Paper mailed 5/13/04 have been withdrawn:

None.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

> (e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

The factual inquiries set forth in *Graham* **v.** *John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of

the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

Claims 1-8, 10-12, 17-33, 35, 36, and 38 are rejected under 35 U.S.C. 103(a) as being unpatentable over EP 909,809 in view of Getty et al (US 6,020,294).

'809 teaches a bleach an oxidation catalyst comprising a catalytically active iron complex including a defined pentadentate nitrogen containing ligand. This type of iron complex can activate hydrogen peroxide or peroxy acids and was found to have favourable stain removal and remarkable dye transfer inhibition properties. See Abstract. Preferred ligands include N,N-bis(pyridin-2-yl-methyl)-1,1-bis(pyridin-2-yl)-1-amino ethane. See page 4, lines 40-50. The catalyst is used in a bleaching detergent composition in amounts from 0.0005% to 0.5% by weight. The pH of the detergent compositions are between 8 and 11. See page 5, lines 1-15. Additionally, the detergent compositions may contain a surface active material in amounts from 10% to 50% by weight. Additionally, the compositions may contain a builder material in amounts from 5 to 80% by weight. Also, cleaning compositions may contain enxymes such as proteases, cellulases, lipases, etc., sequestrants, lather boosters, etc. See page 7, lines 1-69.

'809 do not specifically teach the use of a stabilizer or an aqueous cleaning composition having the specific pH containing a surfactant, a proteolytic enzyme, a stabilizer, a bleach catalyst complex, and the other requisite components of the composition in the specific proportions as recited by the instant claims.

Getty et al teach automatic dishwashing detergent compositions comprising a source o hydrogen peroxide and a particularly selected cobalt catalyst. The source of hydrogen peroxide is any common hydrogen-peroxide releasing salt, such as sodium perborate or sodium percarbonate. See column 4, lines 25-40. The pH of the compositions is from about 7 to about 12. See column 4, lines 60-69. The preferred automatic dishwashing detergent compositions comprised one or more detersive enzymes. Suitable enzymes include bacterial amylases and proteases and fungal cellulases. Suitable examples of proteases are the subtilisins which are obtained from particular strains of B. subtilis and B. licheniformis. See column 12, lines 25-55. Additionally, the compositions may contain an enzyme stabilizing system which is compatible with the detersive enzyme such as a calcium ion, boric acid, propylene glycol, short chain carboxylic acid, boronic acid, and mixtures thereof. See column 15, lines 25-45.

It would have been obvious to one of ordinary skill in the art, at the time the invention was made, to use a enzyme stabilizer such as a calcium ion, boric acid, etc.,, in the cleaning composition taught by '809, with a reasonable expectation of success, because Getty teaches the use of a stabilizing agent such as boric acid, calcium ion, etc. in combination with a proteolytic enzyme in a similar bleaching composition to

provide stability to these enzymes and further, '809 teach the use of protease (proteolytic) enzymes in general.

It would have been obvious to one of ordinary skill in the art, at the time the invention was made, to use a subtilisin, proteolytic enzyme in the cleaning composition taught by '809, with a reasonable expectation of success, because Getty teaches the use of a subtilisin, proteolytic enzyme in a similar bleaching composition and, further, '809 teach the use of subtilisin enzymes in general.

It would have been obvious to one of ordinary skill in the art, at the time the invention was made, to formulate an aqueous cleaning composition having the specific pH containing a surfactant, a proteolytic enzyme, a stabilizer, a bleach catalyst complex, and the other requisite components of the composition in the specific proportions as recited by the instant claims, with a reasonable expectation of success and similar results with respect to other disclosed components, because '809 in combination with Getty suggest an aqueous cleaning composition having the specific pH containing a surfactant, a proteolytic enzyme, a stabilizer, a bleach catalyst complex, and the other requisite components of the composition in the specific proportions as recited by the instant claims.

Response to Arguments

With respect to '809, Applicant states that it is not seen how one of ordinary skill in the art, who has not had the benefit of hindsight afforded by the present disclosure, would have been led by EP '809 in combination with Getty to pick an choose certain elements of Getty which relates to a granular dishwashing composition and incorporate

them into EP '809 which relates to fabric washing compositions. In response, note that, Getty is a secondary reference relied upon for its teaching of an enzyme stabilizing system. Getty teaches that an enzyme stabilizing system may be used, especially in liquid compositions, to stabilize enzymes such as a proteolytic enzyme. Clearly, one of ordinary skill in the art would have been motivated to use an enzyme stabilizing agent such as propylene glycol in the bleaching composition taught by '809, with a reasonable expectation of success, because Getty et al teaches the use of such a stabilizing agent in a similar liquid bleaching composition to stabilize enzymes such as proteolytic enzymes. Note that, '809 teaches bleaching compositions may be used on substrates such as laundry, dishwashing, and hard surface cleaning. See page 3, lines 39-50 of '809.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gregory R. Del Cotto whose telephone number is (703) 308-2519. The examiner can normally be reached on Mon. thru Fri. from 8:30 AM to 6:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Yogendra Gupta can be reached on (703) 308-4708. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0661.

Gregory R. Del Cotto
Primary Examiner
Art Unit 1751

GRD
March 7, 2004